

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMERICAN CIVIL LIBERTIES UNION, et al.,

Plaintiffs,

v.

ALBERTO GONZALES, in his official capacity as  
ATTORNEY GENERAL OF THE UNITED  
STATES,

Defendant.

Civil Action No. 98-CV-5591

**PLAINTIFFS' INITIAL DISCLOSURES PURSUANT TO F.R.C.P. 26(a)(1)**

Plaintiffs American Civil Liberties Union; American Booksellers Foundation For Free Expression; Androgyny Books, Inc. d/b/a A Different Light Bookstores; Addazi, Inc. d/b/a Condomania; Heather Corinna Rearick; Electronic Frontier Foundation; Electronic Privacy Information Center; Free Speech Media; Nerve.com, Inc.; Aaron Peckham d/b/a Urban Dictionary; Philadelphia Gay News; PlanetOut, Inc.; Powell's Bookstores; Public Communicators, Inc.; Salon Media Group, Inc.; Dan Savage; and Sexual Health Network (collectively, "Plaintiffs") hereby make their voluntary initial disclosures ("Initial Disclosures"), pursuant to Federal Rule of Civil Procedure 26(a)(1) to defendant Alberto Gonzales, in his official capacity as Attorney General of the United States.

**DISCLOSURES**

A. Individuals Likely to Have Discoverable  
Information that Plaintiffs May Use to Support Their Claims

The following individuals are likely to have discoverable information that may be used by Plaintiffs to support their claims. The list is based on information presently available to Plaintiffs, and Plaintiffs reserve the right to supplement the list pursuant to Federal Rule of Civil

Procedure 26(e). Individuals currently or formerly employed by Plaintiffs should be contacted only through counsel to Plaintiffs.

| Name and Location                                                                                                                   | Type of Information                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Adam Glickman<br>President<br>Condomania<br>647 Poinsetia Place<br>Los Angeles, CA 90036<br>Tel: (323) 933-7865                     | Information relevant to the impact of 47 U.S.C.<br>§ 231 on Addazi, Inc. d/b/a Condomania                               |
| Bill Barker<br>CEO<br>A Different Light Bookstores<br>8853 Santa Monica Blvd.<br>West Hollywood, CA 90069<br>Tel: (310) 659-6443    | Information relevant to the impact of 47 U.S.C.<br>§ 231 on Androgyny Books, Inc. d/b/a A<br>Different Light Bookstores |
| Nancy Peters<br>City Lights Bookstore<br>261 Columbus Ave.<br>San Francisco, CA 94133<br>Tel: (415) 362-1901<br>Fax: (415) 362-4921 | Information relevant to the impact of 47 U.S.C.<br>§ 231 on City Lights Bookstore                                       |
| Heather Corinna Rearick<br>1116 W. 25th Street<br>Minneapolis, MN 55405<br>Tel: (612) 374-2282                                      | Information relevant to the impact of 47 U.S.C.<br>§ 231 on Heather Corinna Rearick                                     |
| Gabriela Sankovich<br>Open Enterprises, Inc.<br>938 Howard, Suite 101<br>San Francisco, CA 94103<br>Tel: (415) 974-8985 Ext. 206    | Information relevant to the impact of 47 U.S.C.<br>§ 231 on Good Vibrations                                             |
| John Schwartz<br>Free Speech Media, LLC<br>P.O. Box 6060, Suite 6<br>Boulder, CO 80301<br>Tel: (303) 442-8060 or (303) 442-2707     | Information relevant to the impact of 47 U.S.C.<br>§ 231 on Free Speech Media, LLC and Public<br>Communicators, Inc.    |

| Name and Location                                                                                                                                         | Type of Information                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Bill Boushka<br>High Productivity Publishing<br>P.O. Box 580228<br>Minneapolis, MN 55458-0228<br>Tel: (612) 677-0652                                      | Information relevant to the impact of 47 U.S.C. § 231 on High Productivity Publishing         |
| Rufus Griscolm<br>CEO and Publisher<br>Nerve.com, Inc.<br>520 Broadway, 6th Fl.<br>New York, NY 10012<br>Tel: (212) 624-9914, ext. 250<br>rufus@nerve.com | Information relevant to the impact of 47 U.S.C. § 231 on Nerve.com, Inc.                      |
| Aaron Peckham<br>d/b/a Urban Dictionary<br>14 Midway Court<br>Sacramento, CA 95817<br>Tel: (805) 543-2765                                                 | Information relevant to the impact of 47 U.S.C. § 231 on Aaron Peckham d/b/a Urban Dictionary |
| Mark Segal<br>Philadelphia Gay News<br>505 South 4 <sup>th</sup> Street<br>Philadelphia, PA 19147-1605<br>Tel: (215) 625-8501 Ext. 204                    | Information relevant to the impact of 47 U.S.C. § 231 on Philadelphia Gay News                |
| Lowell Sullivan<br>CEO<br>PlanetOut, Inc.<br>P.O. Box 500<br>San Francisco, CA 94104-0500<br>Tel: (415) 834-6500<br>Fax: (415) 834-6502                   | Information relevant to the impact of 47 U.S.C. § 231 on PlanetOut, Inc.                      |
| Miriam Sontz<br>Manager<br>Powell's Bookstores<br>1005 W. Burnside<br>Portland, OR 97209<br>Tel: (503) 228-0540 ext. 845                                  | Information relevant to the impact of 47 U.S.C. § 231 on Powell's Bookstores                  |

| Name and Location                                                                                                                                           | Type of Information                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| David Talbot<br>Chairman<br>Salon Media Group, Inc.<br>101 Spear Street, Suite 203<br>San Francisco, CA 94105<br>Tel: (415) 645-9200<br>Fax: (415) 645-9204 | Information relevant to the impact of 47 U.S.C. § 231 on Salon Media Group, Inc. |
| Dan Savage<br>The Stranger<br>1535 11 <sup>th</sup> Ave., 3 <sup>rd</sup> Fl.<br>Seattle, WA 98122<br>Tel: (206) 323-7101<br>Fax: (206) 323-7203            | Information relevant to the impact of 47 U.S.C. § 231 on Dan Savage              |
| Mitchell S. Tepper, Ph.D.<br>3 Mayflower Lane<br>Shelton, CT 06484<br>Tel: (203) 924-4623<br>Fax: (203) 924-4623                                            | Information relevant to the impact of 47 U.S.C. § 231 on Sexual Health Network   |
| Patricia Nell Warren<br>Wildcat Press<br>8306 Wilshire Blvd.<br>Box 8306<br>Beverly Hills, CA 90211<br>Tel: (213) 966-2466<br>Fax: (213) 966-2467           | Information relevant to the impact of 47 U.S.C. § 231 on Patricia Nell Warren    |
| Lawrence Ferlinghetti<br>City Lights Bookstore<br>261 Columbus Ave.<br>San Francisco, CA 94133<br>tel: (415) 362-1901<br>fax: (415) 362-4921                | Information relevant to the impact of 47 U.S.C. § 231 on Lawrence Ferlinghetti   |

B. Description by Category of and Location of Documents in Plaintiffs' Possession, Custody, or Control that Plaintiffs May Use to Support Their Claims

Plaintiffs reserve the right to withhold from production any documents that would be protected from discovery by a pending motion, the attorney-client privilege, the attorney work

product doctrine, or any other applicable privilege. Plaintiffs also reserve the right to supplement their document production in accordance with Rule 26(e).

Subject to the foregoing, the documents in Plaintiffs' possession, custody, or control that are believed relevant to the disputed facts alleged are the following: (1) Plaintiffs' respective Web pages or other online communications containing protected speech that may be considered harmful to minors in some communities, and (2) congressionally commissioned reports that identify more effective and less burdensome means of protecting children against certain Internet speech and concluding that the application of criminal laws to protected speech on the Internet poses significant First Amendment problems.

Copies of the above-referenced Web pages and online communications are located at the following URL addresses: (1) Addazi, Inc. d/b/a Condomania – <http://www.condomania.com>; (2) American Booksellers Foundation for Free Expression – <http://www.abffe.com>; (3) American Civil Liberties Union – <http://www.aclu.org>; (4) Androgyny Books, Inc. d/b/a A Different Light Bookstores – <http://www.adlbooks.com>; (5) City Lights Bookstore – <http://www.citylights.com>; (6) Heather Corinna Rearick – <http://www.scarletletters.com>, <http://www.scarleteen.com>, and <http://www.femmerotic.com>; (7) Electronic Frontier Foundation – <http://www.eff.org>; (8) Electronic Privacy Information Center – <http://www.epic.org>; (9) Free Speech Media LLC and Public Communicators, Inc. – <http://www.freespeech.org>; (10) Good Vibrations – <http://www.goodvibes.com>; (11) High Productivity Publishing – <http://www.hppub.com>; (12) Nerve.com, Inc. – <http://www.nerve.com>; (13) Aaron Peckham d/b/a Urban Dictionary – <http://www.urbandictionary.com>; (14) Philadelphia Gay News – <http://www.epgn.com>; (15) PlanetOut Inc. – <http://www.gay.com> and <http://www.planetout.com>; (16) Powell's Bookstores – <http://www.powells.com>; (17) Salon

Media Group, Inc. – <http://www.salon.com>; (18) Dan Savage – <http://www.thestranger.com/current/savage.html> and <http://www.spreadingsantorum.com>; (19) Sexual Health Network – <http://www.sexualhealth.com>; and (20) Wildcat Press – <http://www.wildcatintl.com/press/>.

In addition, the above-referenced congressionally commissioned reports are publicly available.

C. Computation of Damages Claimed

Plaintiffs seek only injunctive and declaratory relief in this action.

D. Insurance Agreement Which May Be Liable to Satisfy Part or All of a Judgment That May Be Entered in the Action

None.

Dated: March 8, 2005

By: \_\_\_\_\_

Ann Beeson  
Christopher A. Hansen  
Benjamin E. Wizner  
American Civil Liberties Union Foundation  
125 Broad Street  
New York, New York 10004  
(212) 549-2500

Stefan Presser  
Attorney ID No. 43067  
7803 St. Martins Lane  
Philadelphia, PA 19118  
(215) 247-2176

Jonathan H. Feinberg  
Kairys, Rudovsky, Epstein & Messing, LLP  
924 Cherry Street  
Suite 500  
Philadelphia, PA 19107  
(215) 925-4400

David L. Sobel  
Electronic Privacy Information Center  
1718 Connecticut Avenue NW  
Suite 200  
Washington, DC 20009  
(202) 483-1140

Lee Tien  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, CA 94110  
(415) 436-9333

Christopher R. Harris  
Michele M. Pyle  
Latham & Watkins, LLP  
885 Third Avenue  
Suite 1000  
New York, New York 10022  
(212) 906-1200

ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiffs' Initial Disclosures Pursuant to F.R.C.P. 26(a)(1) was sent via overnight courier on March 8th, 2005 to:

Karen Stewart  
United States Department of Justice  
Civil Division, Room 7200  
20 Massachusetts Avenue NW  
Washington, D.C. 20530

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Ben Wizner